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EXAMINER

RINES, ROBERT D

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,204

Applicant(s)

LERNER ET AL.

Examiner

Robert D. Rines

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

[1] This communication is in response to the patent application filed 7 November 2001. It is noted that this application benefits from Provisional Patent Application Serial No. 60/246,073 filed 7 November 2000.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

[2] Claims 1-8, 13-21, 26-34, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman (United States Patent Application Publication #2003/0120521) in view of Wolff et al., (United States Patent Application Publication #2002/0029158).

[A] As per claim 1, Sherman teaches a system for underwriting and issuing insurance policies over a network to potential customers accessing said system via end-user systems, said system comprising: a processing system to process requests received over said network from said end-user systems to underwrite and issue insurance policies (Sherman; Abstract and paragraph [0042]), wherein said processing system includes: a customer interface module to facilitate transference of customer and policy information over said network between said system and a potential customer (Sherman; paragraphs [0022] [0024]); an assessment module to evaluate said information received from said potential customer to determine eligibility of said potential customer for said insurance policy (Sherman; paragraph [0042]), and a policy module to issue said insurance policy to said potential customer over said network in accordance with said customer information and said assessment module determining that said potential customer is eligible for said insurance policy (Sherman; paragraph [0042]).

[i] Although Sherman discloses that underwriting information must be obtained from the prospective insured parties (Sherman; paragraph [0024]), Sherman does not specifically teach that retrieval of third party information relevant to the underwriting of an insurance policy is required before a policy can be issued. Further, although Sherman requires that applicants for life insurance are subjected to a screening process prior to approval for insurance (Sherman; paragraph [0042]), Sherman fails to specifically teach that the screening process involves an assessment of information furnished by third parties.

[ii] However, Wolff et al., teaches an access module to access a storage unit including third party information associated with said potential customer and relevant to underwriting of an insurance policy (Wolff et al.; paragraphs [0014] [0015]). Wolff et al., further teaches an assessment module to evaluate said retrieved third party information to determine eligibility of said potential customer for said insurance policy; (Wolff et al.; paragraph [0015]).

[iii] It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Sherman with those of Wolff et al. Such combination would have resulted in a system and method that would have enabled prospective insured parties to obtain life insurance through the Internet by remote computers and Internet access devices (Sherman; paragraph [0042]). Further, such system and method would have enabled an insurer to assess information, such as medical history, furnished by third parties to a centralized insurance file assembly system (Wolff et al.; paragraphs [0014] and [0015]). The motivation to combine would have been to aggregate the information and documentation relating to the evaluation of the insurability of a prospective insured party in a single, electronic insurability documentation file that could be readily transferred to insurance companies for evaluation (Wolff et al.; paragraphs [0014] [0015] [0018]).

[B] As per claim 2, Sherman teaches wherein said network is the Internet (Sherman; Abstract and paragraph [0042]).

[C] As per claim 3, Sherman teaches wherein said insurance policy is a life insurance policy

(Sherman; paragraph [0014]).

[D] As per claim 4, Wolff et al., teaches wherein said storage unit is remote from said processing system and maintained by said third party (Wolff et al.; paragraphs [0014] [0015]), and wherein said storage unit includes medical information associated with said potential customer (Wolff et al.; paragraph [0015]).

[E] As per claim 5, Wolff et al., teaches wherein said customer interface module includes: a query module to generate and facilitate transmission of requests for said customer and policy information over said network to said potential customer (Wolff et al.; paragraph [0036]) and a response storage module to store said customer and policy information received from said potential customer in response to said requests (Wolff et al.; paragraph [0036]).

[F] As per claim 6, Wolff et al., wherein said access module includes: a permission module to request authorization from said potential customer to access said third party information (Wolff et al.; paragraph [0036]); and a retrieval module to retrieve said third party information associated with said potential customer and relevant to underwriting of said insurance policy in response to receiving authorization from said potential customer (Wolff et al.; paragraph [0036]).

[G] As per claim 7, Wolff et al., teaches an information decision module to determine the presence of sufficient information to determine eligibility of said potential customer for said insurance policy (Wolff et al.; paragraphs [0017] [0036]); and a customer information module to

request additional information from said potential customer in response to the presence of insufficient information (Wolff et al.; paragraphs [0017] [0036]).

[H] As per claim 8, Wolff et al., teaches wherein said assessment module includes: an evaluation module to evaluate said retrieved third party information (Wolff et al.; paragraphs [0015] [0036]) and information received from said potential customer and determine an assessment value indicating eligibility of said potential customer for said insurance policy (Wolff et al.; paragraphs [0019] [0036]).

[I] As per claim 13, Sherman teaches an offer module to enable said potential customer to purchase said insurance policy in response to said assessment module determining said potential customer is eligible for that insurance policy (Sherman; paragraph [0042]); a payment module to receive and validate payment information from said potential customer in response to acceptance of said insurance policy by said potential customer (Sherman; paragraph [0042]); and an issuance module to issue said insurance policy over said network to said potential customer in response to valid payment information (Sherman; paragraph [0042]).

[i] Regarding claims 2-8 and 13, the obviousness and motivation to combine as discussed with regard to claim 1 above are applicable to claims 2-8 and 13, and are herein incorporated by reference.

[J] As per claim 14, Sherman teaches a method of underwriting and issuing insurance policies over a network (Sherman; Abstract and paragraph [0042]) to potential customers accessing said network via end-user systems, said method comprising: (a) facilitating communications with a potential customer to transfer customer and policy information over said network (Sherman; paragraphs [0022] [0024]); and (d) issuing said insurance policy to said potential customer over said network in accordance with said customer information and said determination indicating that said potential customer is eligible for said insurance policy (Sherman; paragraph [0042]).

[i] Although Sherman teaches evaluating customer information prior to issuing a policy, Sherman fails to teach the storage or use of third party information in the assessment or evaluation of a candidate for life insurance.

[ii] However, Wolff et al., teaches (b) accessing a storage unit including third party information and retrieving said third party information associated with said potential customer and relevant to underwriting of an insurance policy (Wolff et al.; paragraphs [0014] [0015]); and (c) evaluating said retrieved third party information and information received from said potential customer and determining eligibility of said potential customer for said insurance policy (Wolff et al.; paragraph [0015]).

[iii] Regarding claim 14, the obviousness and motivation to combine as discussed with regard to claim 1 above are applicable to claim 14 and are herein incorporated by reference.

[K] As per claim 15, Sherman teaches wherein said network is the Internet (Sherman; paragraph [0042]).

[L] As per claim 16, Sherman teaches wherein said insurance policy is a life insurance policy (Sherman; paragraph [0014]).

[M] As per claim 17, Wolff et al., teaches wherein said storage unit is remotely located and maintained by said third party (Wolff et al.; paragraphs [0014] [0015]), and wherein said storage unit includes medical information associated with said potential customer (Wolff et al.; paragraph [0015]).

[N] As per claim 18, Wolff et al., teaches that the method (a) further includes: (a.1) generating and facilitating transmission of requests for said customer and policy information over said network to said potential customer (Wolff et al.; paragraph [0036]); and (a.2) storing said customer and policy information received from said potential customer in response to said requests (Wolff et al.; paragraph [0036]).

[O] As per claim 19, Wolff et al., teaches the method (c) further includes: (c.1) determining the presence of sufficient information to determine eligibility of said potential customer for said insurance policy (Wolff et al.; paragraphs [0017] [0036]); and (c.2) requesting additional information from said potential customer in response to the presence of insufficient information

(Wolff et al.; paragraphs [0017] [0036]).

[P] As per claim 20, Wolff teaches wherein step (b) further includes: (b1) requesting authorization from said potential customer to access said third party information (Wolff et al.; paragraph [0036]); and (b.2) retrieving said third party information associated with said potential customer and relevant to underwriting of said insurance policy in response to receiving authorization from said potential customer (Wolff et al.; paragraph [0036]).

[Q] As per claim 21, Wolff et al., teaches that the method (c) further includes: (c.1) evaluating said retrieved third party information and information received from said potential customer and determining an assessment value indicating eligibility of said potential customer for said insurance policy (Wolff et al.; paragraphs [0015] [0019] [0036]).

[R] As per claim 26, Sherman teaches step (d) further includes: (d.1) enabling said potential customer to purchase said insurance policy in response to determining that said potential customer is eligible for said insurance policy (Sherman; paragraph [0042]); (d.2) receiving and validating payment information from said potential customer in response to acceptance of said insurance policy by said potential customer (Sherman; paragraph [0042]); and (d.3) issuing said insurance policy over said network to said potential customer in response to valid payment information (Sherman; paragraph [0042]).

[i] Regarding claims 15-21 and 26, the obviousness and motivation to combine as discussed with regard to claims 1 and 14 above are applicable to claims 15-21 and 26, and are herein incorporated by reference.

[S] As per claim 27, Sherman teaches a system for underwriting and issuing insurance policies over a network to potential customers accessing said system via end-user systems (Sherman; Abstract and paragraph [0042]), said system comprising: customer interface means for facilitating transference of customer and policy information over said network between said system and a potential customer (Sherman; paragraphs [0022] [0024]); and policy means for issuing said insurance policy to said potential customer over said network in accordance with said customer information and said assessment means determining that said potential customer is eligible for said insurance policy (Sherman; paragraph [0042]).

[i] Although Sherman teaches evaluating customer information prior to issuing a policy, Sherman fails to teach the storage or use of third party information in the assessment or evaluation of a candidate for life insurance.

[ii] However, Wolff et al., teaches access means for accessing storage means storing third party information and for retrieving said third party information associated with said potential customer and relevant to underwriting of an insurance policy (Wolff et al.; paragraphs [0014] [0015] [0036]); and assessment means for evaluating said retrieved third party information and

information received from said potential customer and determining eligibility of said potential customer for said insurance policy (Wolff et al.; paragraph [0015]).

[iii] Regarding claim 27, the obviousness and motivation to combine as discussed with regard to claim 1 above are applicable to claim 27 and are herein incorporated by reference.

[T] As per claim 28 Sherman teaches wherein said network is the Internet (Sherman; Abstract and paragraph [0042]).

[U] As per claim 29 Sherman teaches wherein said insurance policy is a life insurance policy (Sherman; paragraph [0014]).

[V] As per claim 30, Wolff et al., teaches wherein said storage means is remote from said access means and maintained by said third party (Wolff et al.; paragraphs [0014] [0015]), and wherein said storage means stores medical information associated with said potential customer (Wolff et al.; paragraph [0015]).

[W] As per claim 31, Wolff et al., teaches query means for generating and facilitating transmission of requests for said customer and policy information over said network to said potential customer (Wolff et al.; paragraph [0036]); and response storage means for storing said customer and policy information received from said potential customer in response to said

requests (Wolff et al.; paragraph [0036]).

[X] As per claim 32, Wolff et al., teaches permission means for requesting authorization from said potential customer to access said third party information (Wolff et al.; paragraph [0036]); and retrieval means for retrieving said third party information associated with said potential customer and relevant to underwriting of said insurance policy in response to receiving authorization from said potential customer (Wolff et al.; paragraph [0036]).

[Y] As per claim 33, Wolff et al., teaches information decision means for determining the presence of sufficient information to determine eligibility of said potential customer for said insurance policy (Wolff et al.; paragraphs [0017] [0036]); and customer information means for requesting additional information from said potential customer in response to the presence of insufficient information (Wolff et al.; paragraphs [0017] [0036]).

[Z] As per claim 34, Wolff et al., teaches evaluation means for evaluating said retrieved third party information and information received from said potential customer and determining an assessment value indicating eligibility of said potential customer for said insurance policy (Wolff et al.; paragraphs [0015] [0019] [0036]).

[AA] As per claim 39, Sherman teaches offer means for enabling said potential customer to purchase said insurance policy in response to said assessment means determining that said potential customer is eligible for said insurance policy (Sherman; paragraph [0042]); payment

means for receiving and validating payment information from said potential customer in response to acceptance of said insurance policy by said potential customer (Sherman; paragraph [0042]); and issuance means for issuing said insurance policy over said network to said potential customer in response to valid payment information (Sherman; paragraph [0042]).

[i] Regarding claims 28-24 and 39, the obviousness and motivation to combine as discussed with regard to claims 1 and 27 above are applicable to claim 28-34 and 39, and are herein incorporated by reference.

[3] Claims 9-12, 22-25, and 35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherman and Wolff et al., as applied to claim 1 above, and further in view of DeTore et al., (United States Patent #4,975,840).

[A] As per claim 9, Wolff et al., teaches wherein said third party information and said information retrieved from said potential customer include a plurality of risk data items relating to eligibility of said potential customer for said insurance policy (Wolff et al.; paragraphs [0014] [0015] [0036]). Wolff et al., does not teach an assignment module to determine and assign a risk value to each risk data item relating to said potential customer; and a value module to accumulate each assigned risk value and produce a total value representing said assessment value.

[i] However, DeTore et al., does teach an assignment module to determine and assign a risk value to each risk data item relating to said potential customer (DeTore et al.; col. 5, lines 4-18, col. 5, lines 59-68) and a value module to accumulate each assigned risk value and produce a total value representing said assessment value (DeTore et al.; col. 5, lines 4-18, and col. 6, lines 1-2).

[ii] It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Sherman and Wolff et al., with those of DeTore et al. Such combination would have resulted in a system and method that would have enabled prospective insured parties to obtain life insurance through the Internet by remote computers and Internet access devices (Sherman; paragraph [0042]). Further, such system and method would have enabled an insurer to access and assess information, such as medical history, furnished by third parties such as healthcare providers to a centralized insurance file assembly system (Wolff et al.; paragraphs [0014] and [0015]). The motivation to combine would have been to expand the risk assessment component of Wolff et al., to include a risk weighting expert module that would allow the insurer to assign a weight to each risk item and classify the total risk as a sum of the respective weights (DeTore et al.; Abstract). Further motivation would have been and utilize the weighting system/method to assign debit/credits to the calculated premiums, based on the input data, to assess the economic impact on expected profitability of proposed changes, ultimately facilitating a determination of the "best" option which would result in maximization of profit (DeTore et al.; col. 13, lines 4-16, col. 14, lines 59-65, col. 17, lines 30-61).

[B] As per claim 10, DeTore et al., teaches an underwriting module to compare said assessment value to a policy threshold value (Detore et al.; col. 15, lines 6-14) and to determine eligibility of said potential customer for said insurance policy based on said comparison (DeTore et al.; col. 17, lines 40-61).

[C] As per claim 11, DeTore et al., teaches a price module to determine a price of said insurance policy based on a difference between said assessment value and said policy threshold (DeTore et al.; col. 17, lines 40-61 and col. 18, lines 33-44).

[D] As per claim 12, DeTore et al., teaches a price reduction module to determine a reduction in said insurance policy price in accordance with additional information supplied by said potential customer (DeTore et al.; col. 13, lines 17-45, and col. 15, lines 8-14).

[E] As per claim 22, Wolff et al., teaches wherein said third party information and said information retrieved from said potential customer include a plurality of risk data items relating to eligibility of said potential customer for said insurance policy (Wolff et al.; paragraphs [0014] [0015] [0036]). Wolff et al., does not teach weighting or assigning risk values to each risk line item nor does Wolff et al., teach producing a total risk or assessment value.

[i] However, DeTore et al., teaches (c.1.1) determining and assigning a risk value to each risk data item relating to said potential customer (DeTore et al.; col. 5, lines 4-18, and col. 5, lines 59-68); and (c.1.2) accumulating each assigned risk value to produce a total value

Art Unit: 3626

representing said assessment value (DeTore et al.; col. 5, lines 4-18, and col. 6, lines 1-2).

[F] As per claim 23, DeTore et al., teaches (c.1.1) comparing said assessment value to a policy threshold value (DeTore et al.; col. 15, lines 6-14) and determining eligibility of said potential customer for said insurance policy based on said comparison (DeTore et al.; col. 17, lines 40-61).

[G] As per claim 24, DeTore et al., teaches (d.1) determining a price of said insurance policy based on a difference between said assessment value and said policy threshold (DeTore et al.; col. 13, lines 17-45, col. 17, lines 40-61, and col. 18, lines 33-44).

[H] As per claim 25, DeTore et al., teaches (d.1.1) determining a reduction in said insurance policy price in accordance with additional information supplied by said potential customer (DeTore et al.; col. 13, lines 17-45, and col. 15, lines 8-14).

[I] As per claim 35, Wolff et al., teaches wherein said third party information and said information retrieved from said potential customer include a plurality of risk data items relating to eligibility of said potential customer for said insurance policy (Wolff et al.; paragraphs [0014] [0015] [0036]). Wolff et al., does not teach weighting or assigning risk values to each risk line item nor does Wolff et al., teach producing a total risk value.

Art Unit: 3626

[i] However, DeTore et al., teaches assignment means for determining and assigning a risk value to each risk data item relating to said potential customer (DeTore et al.; col. 5, lines 4-18, and col. 5, lines 59-68); and value means for accumulating each assigned risk value to produce a total value representing said assessment value (DeTore et al.; col. 5, lines 4-18, and col. 6, lines 1-2).

[J] As per claim 36, DeTore et al., teaches underwriting means for comparing said assessment value to a policy threshold value (DeTore et al.; col. 15, lines 6-14) and determining eligibility of said potential customer for said insurance policy based on said comparison (DeTore et al.; col. 17, lines 40-61).

[K] As per claim 37, DeTore et al., teaches wherein said policy means includes: price means for determining a price of said insurance policy based on a difference between said assessment value and said policy threshold (DeTore et al.; col. 17, lines 40-61, and col. 18, lines 33-44).

[L] As per claim 38, DeTore et al., teaches wherein said policy means further includes: price reduction means for determining a reduction in said insurance policy price in accordance with additional information supplied by said potential customer (DeTore et al.; col. 13, lines 17-45, and col. 15, lines 8-14).

[i] Regarding claims 10-12, 22-25, and 35-38, the obviousness and motivation to combine as discussed with regard to claim 9 above are applicable to claims 10-12, 22-25, and 35-38, and are

herein incorporated by reference.

Conclusion

[4] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Muftic, SECURE WORLD WIDE ELECTRONIC COMMERCE OVER AN OPEN NETWORK, United States Patent #5,850,442

Henderson et al., MONITORING SUSTEM FOR DETERMINING AND COMMUNICATING A COST OF INSUIRANCE, United States Patent #6,868,386

Walker et al., METHOD, SYSTEM AND SOFTWARE FOR PROVIDING TAX AUDIT INSURANCE, United States Patent Application Publication #2001/0044734

Peach, ELECTRONICALLY ACQUIRING AND DISTRIBUTING INSURANCE POLICY DATA TO AGENT OFFICES, United States Patent Application Publication #2001/0049611

Freedman et al., AUTOMATED INSURANCE SYSTEM AND METHOD, United States Patent Application Publication #2002/0002475

White et al., SYSTEM AND METHOD FOR REAL-TIME RATING, UNDERWRITING AND
POLICY AND ISSUANCE, United States Patent Application Publication #2002/0091550

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Robert D. Rines whose telephone number is 571-272-5585. The
examiner can normally be reached on 8:30am - 5:00pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the
organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
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R.D.R.

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12/7/05

Joseph Thomas
JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER